



MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 000152

Phone: 334-5011/Fax 334-2229
Box 46

TO: Mayor and City Commission

DATE: November 13, 2000

FROM: City Attorney

**CITY ATTORNEY
FIRST READING**

SUBJECT: Ordinance No. 0-00-119, Petition No. 104ZON-00PB
An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas and rezoning certain lands within the City from "AGR: Agriculture district" to "I-1: Limited industrial district"; located east of Lots 8, 10 and 11 in the vicinity of the 6800 block of NW 18th Drive of the Northwest Industrial Park; providing a severability clause; providing a repealing clause; and providing an effective date.

Recommendation: The City Commission: 1) approve Petition No. 104ZON-00PB; and 2) adopt the proposed ordinance.

STAFF REPORT

The request of this petition is to rezone the property from AGR to I-1 (limited industrial). The subject property is adjacent to the recently proposed Northwest Business Park that is located east of the Northwest Industrial Park and Northwest 18th Drive. The approximately 5.41-acre property is located in the northwestern section of tax parcel 07879-006-000. The property is zoned AGR (Agriculture) with AGR (Agriculture) land use. To the north and east of the site is vacant land with agricultural land use and zoning. To the south of the property is vacant land with IND (Industrial) land use and I-1 (limited industrial) zoning. West of the subject property are lots within the Northwest Industrial Park, which has industrial land use and I-1 zoning. A printing business, a wholesale coffee business and a warehouse occupy the lots to the west of the subject property, including a 50' drainage easement.

The I-1 zoning is a light industrial district suitable for the development of certain types or retail-commercial sales and services, as well as research operations, wholesale or storage distribution concerns and light manufacturing. The Plan Board reviewed the petition and recommends approval.

Public notice was published in the Gainesville Sun on September 5, 2000. Letters were mailed to surrounding property owners on September 6, 2000. The Plan Board held a public hearing September 21, 2000. Planning Division staff recommended that the Plan Board approve the petition. The Plan Board recommended that the City Commission approve Petition 104ZON-00 PB. Plan Board vote 5-0.

CITY ATTORNEY MEMORANDUM

After adoption on first reading, second reading of this ordinance will be held on November 27, 2000.

Prepared and Submitted by:



Marion J. Radson, City Attorney

MJR/afm

Attachment

D R A F T

10/04/00

ORDINANCE NO. _____
0-00-119

1
2
3
4 **An ordinance of the City of Gainesville, Florida, amending the Zoning**
5 **Map Atlas and rezoning certain lands within the City from "AGR:**
6 **Agriculture district" to "I-1: Limited industrial district"; located east**
7 **of Lots 8, 10 and 11 in the vicinity of the 6800 block of NW 18th Drive**
8 **of the Northwest Industrial Park; providing a severability clause;**
9 **providing a repealing clause; and providing an effective date.**

10
11
12 **WHEREAS,** the City Plan Board authorized the publication of notice of a public hearing
13 that certain lands within the City be rezoned from the zoning category of "AGR: Agriculture
14 district" to "I-1: Limited industrial district"; and

15 **WHEREAS,** notice was given and publication made as required by law and a Public
16 Hearing was held by the City Plan Board on September 21, 2000; and

17 **WHEREAS,** the City Commission finds that the rezoning of the property described
18 herein will be consistent with the City of Gainesville 1991-2001 Comprehensive Plan upon the
19 adoption of City of Gainesville Ordinance No. 000151.

20 **WHEREAS,** at least ten (10) days notice has been given of the public hearing once by
21 publication in a newspaper of general circulation notifying the public of this proposed ordinance
22 and of a Public Hearing in the City Commission meeting room, First Floor, City Hall, in the City
23 of Gainesville; and

24 **WHEREAS,** notice has also been given by mail to the owner whose property will be
25 regulated by the adoption of this Ordinance, prior to the date set for a public hearing on this

D R A F T

10/04/00

1 ordinance; and

2 **WHEREAS**, the Public Hearing was held pursuant to the published and mailed notice
3 described at which hearing the parties in interest and all others had an opportunity to be and
4 were, in fact, heard.

5 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
6 **CITY OF GAINESVILLE, FLORIDA:**

7 **Section 1.** The following described property is rezoned and changed from the zoning
8 category of "AGR: Agriculture district" to "I-1: Limited industrial district":

9 See Legal Description attached hereto as Exhibit "A", and made a part
10 hereof as if set forth in full.

11 **Section 2.** The City Manager is authorized and directed to make the necessary changes in
12 the Zoning Map to comply with this Ordinance.

13 **Section 3.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
14 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way
15 affect the validity of the remaining portions of this ordinance.

16 **Section 4.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
17 such conflict hereby repealed.

18 **Section 5.** This ordinance shall become effective immediately upon final adoption;
19 however, the rezoning shall not become effective until the amendment to the City of Gainesville
20 1991-2001 Comprehensive Plan adopted by Ordinance No. 000151 becomes effective as

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10/04/00

1 provided therein.

2 **PASSED AND ADOPTED** this _____ day of _____, 2000.

3
4 _____
5 PAULA M. DeLANEY, MAYOR
6

7 **ATTEST:** Approved as to form and legality:
8
9

10
11 _____ By: _____
12 KURT LANNON, MARION J. RADSON, CITY ATTORNEY
13 CLERK OF THE COMMISSION
14

15
16 This ordinance passed on first reading this _____ day of _____, 2000.

17
18 This ordinance passed on second reading this _____ day of _____, 2000.

Petitions 103LUC-00 PB (Legislative Matter No. 000151)
and 104ZON-00 PB (Legislative Matter No. 000152)

LEGAL DESCRIPTION : (BY THIS SURVEYOR)

A parcel of land lying in Section 18, Township 9 South, Range 20 East, being a portion of lands described in Official Records Book 1371, page 487 of the Public Records of Alachua County, Florida being more particularly described as follows:

For a Point of Reference commence at an existing 4" x 4" concrete monument marked P.L.S. 940 at the Southeast corner of said Section 18 and run North 00 deg. 06 min. 15 sec. East along the East line of said Section 18, a distance of 1972.83 feet more or less to an existing 5/8" rebar and the Point of Beginning of lands described in said Official Record Book 1371, page 487, thence run North 45 deg. 38 min. 38 sec. West a distance of 200.45 feet to a nail and disk marked P.L.S. 2115; thence run North 89 deg. 47 min. 21 sec. West a distance of 1692.25 feet to a 1/2" rebar and cap marked P.S.M. 5582 on the East line of Northwest Industrial Park Unit 3 as recorded in Plat book "L" page 31 of the Public Records of Alachua County, Florida; thence run North 00 deg. 06 min. 07 sec. East along said East line, a distance of 2708.90 feet to a 1/2" rebar and cap marked P.S.M. 5582 and the POINT OF BEGINNING of the hereon described parcel of land; thence continue North 00 deg. 06 min. 07 sec. East along said East line a distance of 489.48 feet to a 4"x4" concrete monument marked P.L.S. 940 at the Northeast corner of said Northwest Industrial Park Unit 2 and the North line of said Section 18; thence run South 89 deg. 57 min. 03 sec. East along said North line, a distance of 731.65 feet; thence run South 17 deg. 49 min. 31 sec. East a distance of 94.68 feet; thence run South 32 deg. 41 min. 41. sec. West a distance of 46.52 feet; thence run South 34 deg. 35 min. 58 sec. West a distance of 86.69 feet; thence run South 40 deg. 9 min. 15 sec. West a distance 35.41 feet; thence run South 87 deg. 49 min. 0 sec. West a distance 39.03 feet; thence run North 79 deg. 48 min. 33 sec. West a distance of 69.94 feet; thence run North 82 deg. 5 min. 17 sec. West a distance of 59.97 feet; thence run North 80 deg. 20 min. 44 sec. West a distance of 82.00 feet; thence run South 77 deg. 15 min. 13 sec. West a distance of 78.95 feet; thence run South 41 deg. 32 min. 36 sec. West a distance of 86.00 feet; thence run South 6 deg. 39 min. 23 sec. West a distance of 102.41 feet; thence run South 18 deg. 24 min. 59 sec. East a distance of 91.87 feet; thence run South 24 deg. 39 min. 55 sec. East a distance of 26.51 feet; thence run North 89 deg. 45 min. 16 sec. West a distance of 310.42 feet to the Point of Beginning.

Containing 5.41 acres more or less.